

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 11
)	
)	Case No. 01-01139 (JFK)
)	Jointly Administered
W.R. GRACE & CO., <i>et al.</i> ,)	Re: Docket Nos. 12858, 14079
)	2/26/07 Agenda Item No. 14 15
Debtors)	

**ORDER REGARDING AMENDED CASE MANAGEMENT ORDER FOR THE
ESTIMATION OF ASBESTOS PERSONAL INJURY LIABILITIES**

The following dates contained in the Amended Case Management Order for the Estimation of Asbestos Personal Injury Liabilities (Docket No. 12858) (Jul. 24, 2006) (attached as Exhibit A) and the Order Regarding Amended Case Management Order for the Estimation of Asbestos Personal Injury Liabilities (Docket No. 14079) (Dec. 19, 2006) (attached as Exhibit B) are amended as follows:

- January 31, 2007-- All supplemental responses to the W.R. Grace Asbestos Personal Injury Questionnaire and all responses required by the Order Regarding Questionnaires To Be Filed for Non-Settled Pre-Petition Asbestos PI Claims (Docket No. 14092) due, except as otherwise stipulated or ordered by the Court;
- March 1, 2007-- As of this date, the Debtors' Claims Agent will acknowledge receipt of but will not process any subsequent responses or supplemental submissions, with the exception of documents required pursuant to the X-Ray Order or Supplemental X-Ray Order;
- March 21, 2007-- Debtors' Motion(s) regarding compliance with the Supplemental Order Regarding Motions to Compel Claimants to Respond to the W. R. Grace & Co. Asbestos Personal Injury Questionnaire (Docket No. 14150) (the "Consulting Expert Order") due;
- March 30, 2007-- Debtors' Motion(s) regarding compliance with the Order Regarding X-Ray Evidence (Docket No. 14148) (Dec. 20, 2006) ("X-Ray Order") or the Supplemental Order Regarding Production of X-Rays By Non-Mesothelioma Cancer Patients (Docket No. 14608) (Feb. 20, 2007) ("Supplemental X-Ray Order") due;
- April 4, 2007-- Responses to Debtors' Motion(s) regarding compliance with the Consulting Expert Order due.

- April 11, 2007 (1:30 p.m.) -- The Court will hear Debtors' Motion(s) regarding compliance with the Consulting Expert Order.
- April 13, 2007-- Responses to Debtors' Motion(s) regarding compliance with the X-Ray Order and Supplemental X-Ray Order due.
- April 13, 2007 -- The Debtors' Claims Agent shall compile the information contained in the Questionnaires and supplemental Questionnaire responses received as of March 1, 2007 into a navigable database and make it available to the Debtors and any parties in the estimation proceedings, including those parties' experts and advisors;¹
- May 2, 2007-- The Court will hear Debtors' Motion(s) with regard to the X-Ray Order and the Supplemental X-Ray Order.
- May 10, 2007-- Experts who will testify as to matters other than the number, amount, and value of present and future asbestos claims may file supplemental or rebuttal reports;
- May 17, 2007-- All parties seeking to call one or more experts to testify as to the number, amount, and value of present and future asbestos claims shall produce and serve a report in compliance with Federal Rule of Civil Procedure 26(a)(2) from each expert;
- June 22, 2007-- Experts who will testify as to matters other than the number, amount, and value of present and future asbestos claims may file supplemental or rebuttal reports;
- June 26, 2007-- Status conference with the Court, at which the Court will set a briefing schedule for the submission of *Daubert* motions and address other topics as necessary;
- July 6, 2007-- Experts who will testify as to the number, amount, and value of present and future asbestos claims may file supplemental or rebuttal reports;
- July 20, 2007-- Deadline for all parties seeking to call one or more non-expert witnesses to testify to make a good faith effort to compile a final list of such non-expert(s), and/or substitute one or more non-experts not previously designated;
- July 30, 2007-- Status conference with the Court, if necessary;
- August 24, 2007-- Deadline for the completion of all written and deposition discovery;

¹ The Debtors also shall provide copies of the proofs of claim forms, Questionnaires, supplemental and/or cured Questionnaires, and all documents attached thereto, regardless of when such materials are received.

- September 7, 2007-- Deadline for the submission of pre-trial binders, which shall contain, *inter alia*, (i) trial briefs; (ii) a proposed pretrial order signed by counsel for each party participating in the Asbestos PI Estimation Hearing; (iii) copies of all exhibits to be offered and all schedules and summaries to be used at the Asbestos PI Estimation Hearing pre-marked for identification; (iv) stipulations regarding the admissibility of exhibits; and (v) objections to exhibits.
- September 17, 2007-September 19, 2007-- *Daubert* motions heard; estimation hearing begins;
- September 27, 28, October 31, November 1, November 2-- Estimation hearing continues.
- TBD-- Additional dates for the continuation of the estimation hearing (if necessary).

Expedited Motion Protocol

In the event a party needs to file a motion requiring the Court's immediate attention, the motions practice shall proceed according to the following schedule:

- Party files motion;
- Responses must be filed within 14 days of service of the motion;
- Replies must be filed within 7 days of service of the response;
- The Court will schedule a telephonic hearing at its earliest convenience after the responses and replies to the motion are filed.

Other Hearing Dates

The following additional dates are set by the Court to address any matters not otherwise addressed in the above schedule: April 11, 2007, 1:30 - 4:00 p.m.; April 13, 2007, 9:00 a.m. - 12:00 p.m.; May 14, 2007, 9:00 a.m.; June 21, 2007, 9:00 a.m.; July 31, 2007 and August 1, 2007, 9:00 a.m. All such hearing shall be held in Pittsburgh, PA. Debtors will notify the Court as soon as reasonably possible but not later than 3 business days prior to any hearing date outlined herein, if the parties agree that a hearing date is not needed.

SO ORDERED

This 2 day of April, 2007

J.K. Fitzgerald

The Honorable Judith K. Fitzgerald
United States Bankruptcy Judge